

**IOWA DEPARTMENT OF NATURAL RESOURCES
ADMINISTRATIVE CONSENT ORDER**

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| IN THE MATTER OF: CITY OF MARSHALLTOWN <i>2013-059</i> Wastewater Facility No. 6-46-69-0-01 | CONSENT AMENDMENT TO ADMINISTRATIVE CONSENT ORDER NO. 2012-WW-01-A1 |
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To: City of Marshalltown
Honorable Mayor and Council
City Hall
24 North Center Street
Marshalltown, Iowa 50158

Administrative Consent Order No. 2012-WW-01 (Order) was issued by the Iowa Department of Natural Resources (Department) on January 10, 2012. The Department received a request from the City of Marshalltown (City) for a revised construction schedule on July 23, 2012. The parties have agreed to the following consent amendment to the Order (Amended Order), which grants the requested changes to the construction schedule.

1. Section III. STATEMENT OF FACTS is amended by the addition of new paragraphs 9- 12.

9. The City submitted a progress report dated July 13, 2012 concerning compliance with the Order. In the progress report the City requested that certain paragraphs in the Order be amended.

10. Section V.3.A. required the City to evaluate the information from the CH2M Hill report concerning modeling of the collection system and the identification of areas of the sewer system with limited capacity during rainfall events. The City agreed in the Order to evaluate those limitations and determine the lines that need to be enlarged or drainage areas that need additional I/I removal or both. This paragraph of the order required the City to hire a consultant and have a facility plan/ preliminary engineering report (FP/PER) prepared and submitted to the Department by December 31, 2011. The work and evaluation required by this paragraph was completed by December 11, 2011, submitted to the Department and has been reviewed by the Department.

11. The City requested an amendment to Section V.3.B. Under Section V.3.B., the City was required to complete TV inspection work identified in Section III. Paragraph 8.D in the Order and the evaluation of pipe limitation issues required by Section V.3.A. and to submit a report to the Department concerning such measures by December 15, 2011. The

July 13, 2012 progress report stated that the report on pipe enlargement and TV work was completed on December 12, 2012. Section V.3.B also required the City to review video tapes and smoke testing reports and submit a report to the Department concerning this review by June 15, 2012. The July 13, 2012 progress report noted that the project under this paragraph involves a review of and description 170,000 feet of sewer line that had been TV inspected and 150,000 feet of sewer line that had been smoke tested. The City requested an extension of this requirement to June 15, 2013. That extension request is granted by this Amended Order.

12. The City requests an amendment to V.3.C.2 to adjust the CIPP lining amount to 30,000 feet minimum. The original amount of 60,000 linear feet was based on preliminary information and was used as basis for a CDBG Grant that was not awarded to the City. The original number of manholes to rehabilitate was 210. After review of the manholes and pipe video it was determined that 30,000+ feet of pipe need to be lined and 250 manholes need to be lined and have chimney seals installed. Pipes needing CIPP lined are in poor structural condition, have tree root infestation, have leakage, and are of concrete material subject to corrosion. All 6 inch lines will have CIPP lining. The City requests an extension to December 31, 2012 to submit the final plans and specifications for the permit and to April 15, 2013 to bid the project. The construction start date is not specified. The original completion date of June 30, 2014 has been changed to August 30, 2014. That extension request is granted by this Amended Order.

13. The City has submitted 60% plans for the West Interceptor in accordance with the Consent schedule. The City is moving through final design, permitting, and property acquisition for the project. The project is in the floodplain of the Iowa River and is adjacent to many residential properties. The City is encountering issues with wetlands in the floodplain that have to be resolved with the Corp of Engineering and IDNR. In addition the residential neighborhoods are requesting alternate routes be reviewed in order to minimize impact of the project on residential property values. The Corp of Engineers has requested an archeological survey of a portion of the route that cannot be started until ground thaws in the spring. The City is requesting a change to the schedule in V.3.D.2.c/d. The City is requesting the project's FP/PER be changed from December 31, 2012 to June 30, 2013. The project's bid date and construction schedule will be approved by the Department's Project Manager. That extension request is granted by this Amended Order.

14. The City retained an engineering consultant to conduct a preliminary study of the costs of various alternatives outlined in the Facility Plan for the East Interceptor Project. The schedule for work concerning the East Interceptor Project was included in Section V.3.D.2. of the Order. The City Council decided not to obtain waivers for a flow equalization tank for the project. The City Council instead chose to upgrade the Turner Street Pump Station and install a force main from Turner Street to the new WWTF flow equalization basin. A route was chosen by the City for the force main. The two projects will consist of an upgrade to the Turner Street Pump Station and construction of the force main from Turner Street to the new WWTF flow equalization basin. The City's July 13, 2012 progress report requested a revision to Paragraph V.3.D.2.a.- f of the Order

concerning the completion dates for the milestones in the East Interceptor Project. The request to revise the schedule in Section V.3.D.2.f. for the East Interceptor Project is granted.

2. Section IV. CONCLUSIONS OF LAW remains in effect.

3. Section V. ORDER is amended by rescinding the following portions of this section and replacing them with new paragraphs. The remainder of Section V. ORDER remains in effect.

A. Paragraph 3.B.- The second sentence of Paragraph 3.B. is rescinded and replaced by the following: The City will review video tapes and smoke testing reports and submit a report to the Department concerning this review by June 15, 2013.

B. Paragraph 3.D.2.a.- f.- In paragraph 3.D.2.f. of the Order, it was acknowledged that this paragraph of the Order could need future revision. Pursuant to the July 13, 2012 progress report, the City requested that this paragraph be revised. Paragraph 3.D.2.a.- f. of the Order is rescinded and replaced by the following paragraph 3.D.2.a.- e. concerning the East Interceptor Project:

- a. The City agrees to submit a revised Facility Plan for the East Interceptor Project to the Department by October 15, 2012.
- b. The City agrees to submit a Preliminary Construction permit Application, including Plans, Specifications, and Application Schedules, for the East Interceptor Project at the 60 % completion stage to the Department by February 28, 2013.
- c. The City agrees to submit final complete Plans and Specifications, the Construction Permit Application, and any Construction Permit Application Schedules not previously submitted for the East Interceptor Project to the Department by June 30, 2013.
- d. The City agrees to bid the East Interceptor Project by August 30, 2013.
- e. The East Interceptor Project is to be completed in accordance with the schedule approved by the Department's Project Manager.

3. Section VI. PENALTY remains in effect.

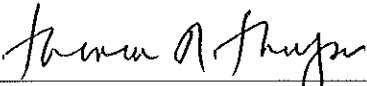
4. Section VIII. NONCOMPLIANCE is rescinded and replaced by the following.

Compliance with Paragraph 3 of this Amended Order pertaining to Section V. of the Order and the portion of Section V. of the Order not amended constitutes full satisfaction of all requirements pertaining to the violations described in the Order. Failure to comply with the Order, as amended by this Amended Order, may result in issuance of an administrative order with a penalty or referral to the Attorney General to obtain injunctive relief and civil penalties pursuant to Iowa Code section 455B.191. The Department reserves the right to elect to issue an administrative order or to refer further violations of this order to the Attorney General.

5. Except as amended herein, all other provisions of the Order remain in full force and effect.

For questions contact:

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THOMAS R. THOMPSON, MAYOR
CITY OF MARSHALLTOWN

Dated this 8 day of

April, 2013.



CHUCK GIPP
DIRECTOR
IOWA DEPARTMENT OF NATURAL RESOURCES

Dated this 3rd day of

June, 2013.

City of Marshalltown- (Copy to Central Office Records File 6-46-69-0-01), Tom Atkinson- Field Office No. 5, Wastewater Construction Permits Section, Diana L. Hansen- Legal Services Bureau, US EPA Region VII,